

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Tonya J. Smith,  
Plaintiff

v.

Case No. 1:12-cv-341

Lind D. Smith,  
Defendant

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed May 24, 2012 (Doc. 2).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's motion for leave to proceed *in forma pauperis* is **DENIED**. Plaintiff is to pay the required filing fee of \$350.00 or to submit an affidavit showing her income, assets, and debts are such that she is unable to provide herself and her family with the necessities of life and still have sufficient funds to pay the full filing fee of \$350.00 in order to institute this action, no later than July 20, 2012.

Plaintiff's complaint will not be deemed "filed" until the appropriate filing fee is paid, or she is granted leave to proceed *in forma pauperis*. Plaintiff is advised that

if she fails to pay the filing fee or submit an affidavit in support of her application to proceed *in forma pauperis* by July 20, 2012, this matter will be dismissed.

Date: June 18, 2012

s/Sandra S. Beckwith  
Sandra S. Beckwith, Senior Judge  
United States District Court